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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,294	10/10/2003	Yasuyuki Unno	1232-4756US1	3097
	7590 03/09/2007 INNEGAN I I P		EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			MARTINEZ, JOSEPH P	
			ART UNIT	PAPER NUMBER
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SHORTENED STATUTORY	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
31 DAYS		03/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 05 January 2007. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 18-22 and 41-50 is/are pending in the application. 4a) Of the above claim(s) is/are pending in the application. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 18-22 and 41-50 are subject to restriction and/or election requirement.				
### Examiner	•	Application No.	Applicant(s)	
Joseph P. Martinez Joseph		10/684,294	UNNO ET AL.	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ∫ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of the may be evaluated under the provision of 30° FR11360. In no event, known, may anoty be timely field after 50 kg (6) MONTHS from the making date of this communication. 40° FR11360. In no event, known, may a may be timely field after 50 kg (6) MONTHS from the making date of this communication. 50° FR11260 kg (7) k	Office Action Summary	Examiner	Art Unit	
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 113(b). In a event, however, may a reply be timely filled offer SIX (b) MONTHS from the maining date of this communication. - Failint for reply within the set or extension of 57 CFR 113(b). In a event, however, may a reply be timely filled offer start from the maining date of this communication. - Failint for reply within the set or teamed period for reply will. by stadus, ease the application to become ABANDONED(-50 st 9.5 c. 9.133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any seamed patient than adjustment. See 37 CFR 1.74(e). - Status - 1) Responsive to communication (s) filed on 05 January 2007. - 2a) This action is FINAL. - 2b) This action is finAl. - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. - 2bisposition of Claims - 4) Claim(s) 18-22 and 41-50 is/are pending in the application. - 4a) Of the above claim(s) is/are withdrawn from consideration. - 5) Claim(s) is/are allowed. - 6) Claim(s) is/are rejected. - 7) Claim(s) is/are a subject to to restriction and/or election requirement. - Application Papers - 9) The specification is objected to by the Examiner. - Application Papers - 9) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. - Application Papers - 9) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). - a) All b) Some column is accepted to be the first priority documents have been received. - Certified copies of the priority documents have been received in this National Stage application from the International Bureau (CFT Rule 17.2(a)). - *See the attached detailed Office action for a list of the certified copies not receiv	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the	correspondence addre	∋ss
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3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application				
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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 18-23 and 41-43, drawn to an optical system, classified in class
 359, subclass 494.
- II. Claims 44-50, drawn to a projection optical system, classified in class 359, subclass 649.

Inventions I and II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product, and the species are patentably distinct (MPEP § 806.05(j)). In the instant case, the intermediate product is deemed to be useful as a flat plate and the inventions are deemed patentably distinct because there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior ad, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required

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because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Due to the complexity of the election/restriction, no telephone call was made to request an oral election to the above restriction requirement.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph P. Martinez whose telephone number is 571-272-2335. The examiner can normally be reached on M-F 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM 3-5-07

HUNG DANG
PRIMARY PATENT EXAMINER